

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Albuquerque District
FILE NUMBER: 2006 00158

REGULATORY PROJECT MANAGER: Jean Manger **Date:** 6/20/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** Y (Y/N) **Date:** 6/20/06
At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:
State: New Mexico
County: Taos
Center coordinates of site by latitude & longitudinal coordinates: 36-31-1.8 N, 105-34-5.05 W
Approximate size of site/property (including uplands & in acres): 0.25 ac
Name of waterway or watershed: Arroyo Seco

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** **Or** **Approved** Y.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Site conditions: Wetland in a rural community of northern New Mexico.

NJD Rationale: High water table supports a wetland meeting the 1987 Manual three parameters; ponded water from the wetland draining down-gradient collects at the corner of two roads. Drainage from the wetland and ponded water flows down-gradient through a culvert under a road into a field. The wetland is not adjacent to any jurisdictional waters of the U.S. and has no nexus to interstate or foreign commerce.

Navigation/interstate commerce: The site is located on private property and has no connection to interstate or foreign commerce or navigation. The site is not located on tribal land nor does the wetland extend across a tribal boundary.

Waters of U.S. onsite: There are no waters of the U.S., including wetlands, on the site.